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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,388	02/27/2004	Keith D. Foote	71486-0068	1405
20915	7590	04/19/2007		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER CHERRY, EUNCHA P	
			ART UNIT	PAPER NUMBER
			2872	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/708,388

Applicant(s)

FOOTE ET AL.

Examiner

EUNCHA P. CHERRY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13, 21-23, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-19 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Krass (US 6,179,428 B1).

Krass discloses a vehicular rearview mirror assembly comprising a base assembly (Fig. 1, 10) adapted for mounting the rearview mirror assembly to a vehicle, the base assembly including an extension arm extending therefrom (16), a reflective element disposed in a reflective element assembly (60), the reflective element assembly attaching to the extension arm and moveable along the extension arm for providing an operator of the vehicle with a rearward view (see Figs. 3 and 4), wherein the reflective element assembly is slidably movable along the extension arm via a plurality of low friction bearings interposed between the extension arm and the reflective element assembly for facilitating movement of the reflective element assembly relative to the extension arm (50, 52), and the

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plurality of low friction bearings comprising a ball bearing or a roller bearings (see column 4, line 3). The reflective element assembly further comprises a mounting frame and the plurality of low friction bearings is interposed between the extension arm and the mounting frame (the part where detents are disposed along 16).

3. Claims 17-19 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumai (US 4,626,084).

Kumai discloses a vehicular rearview mirror assembly comprising a base assembly (Fig. 6, 4) adapted for mounting the rearview mirror assembly to a vehicle (see Fig. 1), at least one supporting arm (6) for supporting a reflective element assembly (Fig. 1, 14), the at least one supporting arm movably connected to the base frame for selectively folding the reflective element assembly against the vehicle (see Figs. 4 and 5), the reflective element assembly movably attached to the supporting arm for extending the reflective element assembly away from the vehicle (see Figs. 4 and 5), and plurality of low friction bearings interposed between the reflective element assembly relative to the vehicle, wherein the bearings are ball or roller bearings (see 28 in Fig. 6).

***Allowable Subject Matter***

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4. Claims 11-13, 21-23, 27 and 28 are allowable over the prior art in the record.

5. The following is a statement of reasons for the indication of allowable subject matter: claims are allowable at least for the reason that the prior art does not teach or reasonably suggest the base frame with parallel spaced-apart flanges as set forth in the claimed combination.

#### ***Response to Arguments***

6. Applicant's arguments filed January 29, 2007 have been fully considered but they are not persuasive. Applicant argues that detent balls of Krass are not low friction bearings. However, applicant is reminded that applicant fails to distinguish this argument clearly in the claims. Applicant argues that the detent balls do not facilitate substantially unimpeded movement of the reflective element assembly relative to the extension arm. However, applicant fails to provide structural differences that distinguish over the prior art. It appears that the rejection is deemed proper.

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

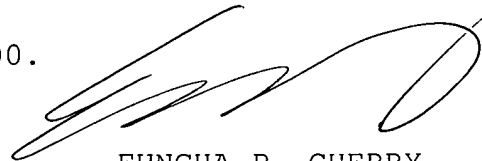
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EUNCHA P. CHERRY  
Primary Examiner  
Art Unit 2872

4/16/07